

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

The Painted Turtle,

Complainant,

vs.

Southern California Edison Company,

Defendant.

Case 05-07-007
(Filed July 12, 2005)

**SCOPING MEMO AND RULING OF ASSIGNED COMMISSIONER
AND ADMINISTRATIVE LAW JUDGE**

Summary

This ruling and scoping memo (Scoping Memo) confirms certain rulings made at the telephonic prehearing conference (PHC) in this case held Friday, September 16, 2005, and sets forth the schedule, the issues, and addresses other procedural requirements.

Schedule

Date	Event
Monday, December 12, 2005	Parties serve direct testimony.
Friday, December 30, 2005	Parties serve reply testimony.
Wednesday, January 11, 2006	Parties exchange (by e-mail or fax) cross-examination estimates with each other and the Administrative Law Judge (ALJ). ALJ Econome's e-mail address is jjj@cpuc.ca.gov. The estimates shall be sent so that they are received by 5:30 p.m.
Wednesday, January 18, 2006 commencing at 9:30 a.m.	Evidentiary hearings at the Junipero Sierra State Building, 320 West 4 th Street, Suite 500, Los Angeles, California
Friday, February 17, 2006	Concurrent opening briefs filed
Friday, March 3, 2006	Concurrent reply briefs filed
Tuesday, May 2, 2006	Last Day to Mail Presiding Officer's Decision

Our goal is to resolve this case as soon as possible and we anticipate that the resolution will not exceed 12 months from the date of filing the investigation, pursuant to Pub. Util. Code § 1701.2(d).¹

Scope of the Proceeding

The scope of the proceeding is: (1) whether the meter installed at the Painted Turtle's service address was working properly; (2) whether the charges

¹ Section 1701.2(d) states that adjudication cases shall be resolved within 12 months of initiation unless the Commission makes findings why that deadline cannot be met and issues an order extending that deadline.

to the Painted Turtle were correct; (3) whether the rates charged to the Painted Turtle were correct; and (4) whether Southern California Edison Company (Edison) violated Commission laws, rules, and tariffs in connection with providing service to the Painted Turtle. The above issues include whether Edison timely sent bills to the Painted Turtle, and whether Edison's investigation of the Painted Turtle's meter and billing problems was reasonable.

Category of Proceeding

This proceeding is categorized as adjudicatory, and it is determined that hearings are necessary.

Presiding Officer

Pursuant to Rule 6(c) of the Commission's Rules of Practice and Procedure (Rules), Assigned Commissioner Brown designates ALJ Econome as the presiding officer.

Exhibits

Parties shall follow the requirements set forth in Appendix B regarding exhibits.

Service List

The service list for this proceeding is attached to this Scoping Memo as Appendix A. Parties were advised at the PHC that the Commission has instituted electronic service rules effective March 24, 2005. Further information about these rules is available at the Commission's website www.cpuc.ca.gov. These rules pertain to service only. The filing rules have not changed and the Commission does not at this time have electronic filing.

Communications With Decision Makers (Ex Parte Communication)

Pursuant to Pub. Util. Code § 1701.2(b), ex parte communications are prohibited in this proceeding. For example, a party or any other person who has

a financial interest in this proceeding is prohibited from speaking with a decision maker on a substantive issue in this case. (See Pub. Util. Code § 1701.1, 1701.2, and Rules 5 and 7 for specific rules on ex parte communications.)

Discovery Disputes

If the parties have discovery disputes they are unable to resolve by meeting and conferring, they should raise these disputes pursuant to Resolution ALJ-164.

Public Advisor

Complainant and his counsel may obtain general information on Commission proceedings by contacting the Commission's Public Advisor at 1-866-849-8391 (telephone) or at public.advisor.la@cpuc.ca.gov (e-mail).

IT IS RULED that:

1. The schedule and scope of this case are as set forth in this Scoping Memo, unless subsequently modified by Assigned Commissioner or assigned Administrative Law Judge (ALJ) directive.
2. ALJ Econome is the presiding officer in this proceeding.
3. The service list for this proceeding is attached as Appendix A.
4. Parties shall follow the instructions in Appendix B regarding exhibits.
5. Pursuant to Pub. Util. Code § 1701.2(b), ex parte communications are prohibited.
6. The parties shall raise any discovery disputes pursuant to Resolution ALJ-164.

Dated September 21, 2005, at San Francisco, California.

/s/ GEOFFREY F. BROWN

Geoffrey F. Brown
Assigned Commissioner

/s/ JANET A. ECONOME.

Janet A. Econome
Administrative Law Judge

APPENDIX A: SERVICE LIST

Last Update on 16-SEP-2005

******* APPEARANCES *******

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******* INFORMATION ONLY *******

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(END OF APPENDIX A)

APPENDIX B

EXHIBITS

Service of Exhibits

All prepared written testimony shall be served on everyone on the service list, as well as on the Assigned Commissioner's office and on the Assigned ALJ. Do NOT file prepared written testimony with the Commission's Docket Office. (Such testimony becomes part of the record only after it is admitted into evidence.)

Identification of Exhibits in the Hearing Room

Each party sponsoring an exhibit shall, in the hearing room, provide **two copies to the ALJ and one to the court reporter**, and have copies available for distribution to the other parties present in the hearing room, if the exhibit has not already been served. **The upper right hand corner of the exhibit cover sheet shall be blank for the ALJ's exhibit stamp.** Please note that this directive applies to cross-examination exhibits as well. If there is insufficient room in the upper right hand corner for an exhibit stamp, please prepare a cover sheet for the cross-examination exhibit.

Cross-examination With Exhibits

As a general rule, if a party intends to introduce an exhibit in the course of cross-examination, the party should provide a copy of the exhibit to the witness and the witness's counsel before the witness takes the stand on the day the exhibit is to be introduced. Generally, a party is not required to give the witness an advance copy of the document if it is to be used for purposes of impeachment or to obtain the witness's spontaneous reaction. An exception might exist if parties have otherwise agreed to prior disclosure, such as in the case of confidential documents.

Corrections to Exhibits

Generally, corrections to an exhibit should be made in advance and not orally from the witness stand. Corrections should be made in a timely manner by providing new exhibit pages on which corrections appear. The original text to be deleted should be lined out with the substitute or added text shown above or inserted. Each correction page should be marked with the word "revised" and the revision date.

Exhibit corrections will receive the same number as the original exhibit plus a letter to identify the correction. Corrections of exhibits with multiple sponsors will also be identified by chapter number. For example, Exhibit 5-3-B is the second correction made to Chapter 3 of Exhibit 5.

(END OF APPENDIX B)

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Scoping Memo and Ruling of Assigned Commissioner and Administrative Law Judge on all parties of record in this proceeding or their attorneys of record.

Dated September 21, 2005, at San Francisco, California.

/s/ TERESITA C. GALLARDO
Teresita C. Gallardo

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.